



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.813 of 2020

and

W.M.P(MD)No.594 of 2020

C.Ganesan

... Petitioner

Vs.

1.The District Collector,
District Collectorate,
Dindigul.

2.The Returning Officer / Block Development Officer,
Vedasandur Panchayat Union,
Dindigul District.

3.Nagalakshmi

4.P.Kumaresan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to conduct re-counting of votes in respect of 12th ward member post of Vedasandur Panchayat Union which was counted on 02.01.2020 based on the petitioner's representation dated 04.01.2020.

For Petitioner

: Mr.S.Sarvagan Prabhu

For RR 1 & 2

: Mr.K.Chellapandian,

Additional Advocate General.

Assisted by Mr.VR.Shanmuganathan,

Special Government Pleader.

ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the second respondent to conduct re-counting of votes in respect of 12th ward member post of Vedasandur Panchayat Union which was counted on 02.01.2020 based on the petitioner's representation dated 04.01.2020.

2.The petitioner has filed the above Writ Petition under Article 226 of the Constitution of India without exhausting the alternate remedy available to him under Section 258 of the Tamil Nadu Panchayats Act, 1994. That apart, the issues involved in the present Writ Petition are the matter of evidence, which cannot be decided in the Writ Petition under Article 226 of the Constitution of India.

3.Since the petitioner has got alternate remedy by way of an Election Petition, we are not inclined to entertain the Writ



Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

To

1.The District Collector,
District Collectorate,
Dindigul.

2.The Returning Officer / Block Development Officer,
Vedasandur Panchayat Union,
Dindigul District.

+1 CC to M/s.SPL.GP (SR-2148[F] dated 21/01/2020)

+1 CC to M/s.D.SHANMUGARAJASETHUPATHI, Advocate (SR-2041[F]
dated 20/01/2020)

W.P(MD)No.813 of 2020

13.01.2020

SMA/31/01/2020/2P/5C